

Notice of Allowability

Application No.

10/085,029

Examiner

Stacy B Chen

Applicant(s)

MONICA ET AL.

Art Unit

1648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to October 29, 2003.
2. ☒ The allowed claim(s) is/are 1,4-21 and 24-30.
3. ☒ The drawings filed on 01 March 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input checked="" type="checkbox"/> Other <u>BOX ISSUE FEE NOTICE</u> |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anthony Zelano on January 9, 2004.

2. The application has been amended as follows:

IN THE CLAIMS:

Cancel withdrawn claims 22 and 23.

Replace claim 1 with the following:

--1. A method to release viruses from animal cells containing said viruses, comprising
subjecting the cells to continuous centrifugation under conditions effective to
concentrate the cells into a cell pellet, and

ejecting the pelleted cells from the centrifuge through one or more ejection outlets into a
collection receptacle, under conditions effective to lyse said cells solely by exertion of forces
generated by said centrifugation and to release said viruses from said cells.--

Replace claim 19 with the following:

--19. In a method of releasing intracellular viruses from cells containing said viruses by
continuous centrifugation, the improvement comprising harvesting viruses directly from a cell
pellet formed by said centrifugation by ejecting said pelleted cells through one or more ejection

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outlets, under conditions effective to lyse said cells solely by exertion of forces generated by said centrifugation.--

Replace claim 20 with the following:

--20. A method to prepare a cell lysate, consisting of
subjecting cells to continuous centrifugation to form a cell pellet, and
ejecting said pelleted cells through one or more ejection outlets into a collection
receptacle under conditions effective to lyse said cells solely by exertion of forces generated by
said centrifugation and to form a cell lysate.--

Replace claim 21 with the following:

--21. A method to prepare a cell lysate, comprising
subjecting cells to continuous centrifugation under conditions effective to concentrate the
cells into a cell pellet, and
ejecting the pelleted cells from the centrifuge through one or more ejection outlets into a
collection receptacle under conditions effective to lyse said cells solely by exertion of forces
generated by said centrifugation and to form a cell lysate.--

Replace claim 24 with the following:

--24. A method to release viruses from animal cells containing said viruses, comprising
subjecting the cells to continuous centrifugation under conditions effective to concentrate
the cells into a cell pellet, and

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ejecting the pelleted cells from the centrifuge through one or more ejection outlets into a collection receptacle, under conditions effective to lyse said cells solely by exertion of forces generated by said centrifugation and to release said virus from said cells.--

Replace claim 26 with the following:

--26. (Currently Amended) A method to release viruses from animal cells containing said viruses, consisting essentially of

subjecting the cells to continuous centrifugation under conditions effective to concentrate the cells into a cell pellet, and

ejecting the pelleted cells from the centrifuge through one or more ejection outlets into a collection receptacle, under conditions effective to lyse said cells solely by exertion of forces generated by said centrifugation and release said viruses from said cells.--

Replace claim 27 with the following:

--27. A method to release an intracellular organism, or an intracellular organelle or biological molecule, from host cells containing said organism, organelle or biological molecule, comprising

subjecting the cells to continuous centrifugation under conditions effective to concentrate the cells into a cell pellet, and

ejecting the pelleted cells from the centrifuge through one or more ejection outlets into a collection receptacle, under conditions effective to lyse said cells solely by exertion of forces generated by said centrifugation and to release said organism, intracellular organelle or biological molecule from said cells.--

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Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

Claims 1, 4-21 and 24-30 as amended are allowed. The claims were amended in order to clarify the method steps. As amended, the claims are drawn to a method of releasing virus (or other components) or forming cell lysates comprising forming a cell pellet by continuous centrifuge, then lysing the pelleted cells as they are ejected from the centrifuge, thereby releasing their contents. The forces by which the cells are ejected and consequently lysed, are solely forces generated by centrifugation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Papers relating to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 located in Crystal Mall 1. The Fax number for Art Unit 1648 is (703) 872-9306. All Group 1600 Fax machines will be available to receive transmissions 24 hrs/day, 7 days/wk. Please note that the faxing of such papers must conform with the Notice published in the Official Gazette, 1096 OG 30, (November 15, 1989).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Stacy B. Chen, whose telephone number is (703) 308-2361. The Examiner can normally be reached on Monday through Friday from 7:30 AM-4:00 PM, (EST). If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, James C. Housel, can be reached at (703) 308-4027. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

SB

Stacy B. Chen
January 9, 2004

James C. Housel
JAMES HOUSL
1/12/04
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